

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Friday, March 03, 2017

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Siddoway, Vice Chairman Hagedorn, Senators Davis, Hill, Winder, Lodge, Lakey, Stennett, and Buckner-Webb

**ABSENT/
EXCUSED:** None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Siddoway** called the Senate State Affairs Committee (Committee) to order at 8:03 a.m.

RS 25380: UNANIMOUS CONSENT REQUEST FROM THE HEALTH & WELFARE COMMITTEE to specify qualified personnel to admit patients.

Morgan Howard, intern for Senator Dan Johnson, explained that **RS 25380** is related to extending hospital admitting privileges to certain nurse practitioners and physicians assistants.

MOTION: **Senator Winder** moved to send **RS 25380** to print. **Vice Chairman Hagedorn** seconded the motion. The motion carried by **voice vote**.

RS 25429 UNANIMOUS CONSENT REQUEST FROM THE EDUCATION COMMITTEE relating to education to authorize the paraprofessional path to certification.

RS 25432 UNANIMOUS CONSENT REQUEST FROM THE TRANSPORTATION COMMITTEE – A SENATE CONCURRENT RESOLUTION for a study of the imposition of certain annual registration fees.

MOTION: **Senator Hill** moved to send **RS 25429** and **RS 25432** to print. **Vice Chairman Hagedorn** seconded the motion. The motion carried by **voice vote**.

S 1106 RELATING TO TOBACCO to raise the age from 18 to 21.

Senator Fred Martin, District 15, introduced **S 1106** by sharing some personal experiences related to youth and smoking and a similar conversation with a reporter and then yielded to **Corey Surber** to explain the bill.

Corey Surber, Director, State Advocacy for Saint Alphonsus Health System and its parent health system, Trinity Health. **Ms. Surber** stated that **S 1106**, known as Tobacco 21, is a policy intended to curb youths initial use of tobacco which would save thousands of lives and millions of dollars in health care costs for the future. **Ms. Surber** represents a broad, statewide coalition of organizations and individuals who are speaking against tobacco and obesity policy. **Ms. Surber** stated that tobacco and obesity are the greatest drivers of preventable disease, premature death and healthcare cost in this country. Tobacco and obesity are targeted through programs, interventions, education, and by offering smoking cessation programs. **Ms. Surber** gave an example using a pyramid to illustrate how to curb tobacco use. The top would be interventions like education and cessation. The base of that pyramid is policy, system, and environmental change.

The negative affects of nicotine begin upon the start of use. The young brain is more susceptible to nicotine and the addiction is more likely to become long-term. Ninety-five percent of current adult smokers started before the age of 21. Experimental use starts between the ages of 18 and 21; experimental use can start at the age of 17 or younger. Early age initiation is associated with increased levels of nicotine dependence. Each year 1,400 Idaho youth become daily smokers; one-third of those will likely die prematurely. The smoking rate for young adults in Idaho ages 18 to 24 is 14 percent. Smoking kills 1,800 Idahoans each year.

Twenty-five percent of Idaho's high-school students start by using e-cigarettes. Advertising in our communities has increased as well as the perception that e-cigarettes produce harmless water vapor. Some contents in e-cigarettes include nicotine, formaldehyde, and other harmful chemicals. Twenty-five percent of high school students say they have used e-cigarettes or vapes in the past 30 days; those students are three times more likely to proceed to tobacco use. About 30,000 Idaho kids under age 18 will die prematurely if we continue on our current course. If we raise the age to 21, the Institute of Medicine predicts there will be 223,000 fewer premature deaths. In terms of cost, tobacco related illnesses cost \$170 billion per year in the United States, and \$508 million per year in Idaho; that averages out to about \$600 per household per year.

Ms. Surber provided a brief overview of the language changes made to the statute.

- In section I.C. § 39-5701 references were removed that were out-of-date, and were replaced with updated information. The term minors was replaced with persons under the age of 21 years.
- I.C. § 39-5703 (5) clarifies language that a person 18, 19, or 20 years of age may possess, sell or distribute tobacco products or e-cigarettes in the course of employment if supervised by someone 21 years or older.
- I.C. § 39-5704 sub-section 6, the signage requirements for retailers was revised to indicate the age of 21 years and the inclusion of e-cigarettes.
- I.C. § 39-5710(4) language clarified how and when individuals under age 21 could participate in inspections.

Ms. Surber explained the Idaho public opinion polling around Tobacco 21, performed by G.S. Strategy Group (see attachment 1).

Senator Lakey wanted to know if a measurement was done comparing smokers who started before age 21 versus smokers who started before the age of 18. **Ms. Surber** said she did not have that statistic.

Vice Chairman Hagedorn asked how the previous change in age to 18 for buying cigarettes impacted the 25 percent of high school students that smoked and vaped.

Ms. Suber said she couldn't speak to the effect the change in age. e-cigarettes are relatively new and are unregulated.

Vice Chairman Hagedorn referred to Ms. Suber's statement that 1,400 youth became daily users; what are the ages of that group. **Ms. Surber** said that the experimentation often happens younger than 18, and the transition to daily use happens in the 18 to 21 group.

Vice Chairman Hagedorn had a follow-up question regarding the Statement of Purpose referring to the possibility of alleviating negative healthcare affects. **Vice Chairman Hagedorn** explained that he wanted data relating to the previous law, and the impact it had when the legal age to purchase tobacco changed to age 18. **Ms. Surber** said that there would be people testifying that would have more information regarding Senator Hagedorn's question.

Senator Hill referred to page 4, lines 21-24. What does "being supervised" mean; does it mean that the supervisor has to be on the premises? **Senator Hill** stated that his concern is for the college student who is working nights, and if the place of employment sells cigarettes, that student cannot sell them. Are there any similar restrictions for the sale of alcohol for comparison purposes? **Ms. Surber** explained that the intent of the bill was to mirror that of the alcohol statute. The supervisor does not have to be on premise in order for the employee under 21 to sell cigarettes. **Senator Hill** asked what the reference was on the alcohol statute. **Ms. Surber** deferred to Elizabeth Bowen.

Elizabeth Bowen, bill drafter for the Legislative Services Office, replied that alcohol statute was I.C. § 23-949.

Senator Siddoway thanked Ms. Surber for her presentation. **Senator Siddoway** outlined the rules for those that want to testify: keep the time limited to three minutes, and the order of testimony would be randomly selected from the sign up sheets.

TESTIMONY:

Rick Wheldon, Jackson Food Stores, spoke in opposition to **S 1106** which would raise the legal age to purchase tobacco products to 21. His concerns were:

- it would affect those businesses adjoining Tribal lands where 18 year olds can purchase and sell tobacco;
- potential loss of tax revenue because tobacco sold on Tribal lands is not taxable;
- the term "supervision" is ambiguous; and
- Jacksons would be forced to lay off younger employees.

Garin Harris, Miss Teen International, spoke in support of **S 1106** on behalf of youth worldwide. **Ms. Harris** provided the Committee with some of her background which, in part, is heavily involved in advocating health issues for youth. **Ms. Harris** pointed out an inconsistency between the alcohol limit and the tobacco limit, and that any tobacco legislation should match the age limit for alcohol. The alcohol limit was raised from 18 to 21 to reduce alcohol related traffic incidents; that has been successful at a state and national level. Tobacco causes health issues, but many of those do not show themselves until later on in life. Tobacco and e-cigarettes are prevalent on high school campuses, but kids do not believe e-cigarettes are as dangerous as tobacco, but they can lead to addiction. The American Heart Association, the Cancer Action Network, the American Cancer Society, and the American Lung Association have been working on this bill.

Carl Rizzo, Independent Tobacco Cessation Educator and Instructor and a previous smoker, spoke in favor of **H 1106**. He has been a teacher for roughly 2,800 participants over the last 11 years. **Mr. Rizzo** is a respiratory therapist and does pulmonary diagnostics. He talked about the harms of tobacco and what it can do to the human body. **Mr. Rizzo** teaches children in schools about tobacco, but some of the children are already addicted. Tobacco is as bad or worse than any other addiction we have in the State of Idaho.

Jeremy Foressee, Ejuice Boulevard, spoke against **S 1106**. Ejuice is a manufacturer of e-juices for the vaping industry and manufactures up to 20,000 bottles of vaping fluid a month; a number of the juices he produces does not contain tobacco and he does not use formaldehyde. **Mr. Forsay** told his personal story going from a 20 year smoker to attempts to quit smoking to vaping. Vaping enabled him to stop smoking. **Mr. Forsay** stated that vaping should not be a part of **S 1106**. In this bill, vaping is called an electronic cigarette; that definition is wrong. **Mr. Forsay** emphasized that in Idaho, you are an adult when you are 18 and should

be able to make your own choices and decisions; Idaho should not infringe on a citizen's rights. **Mr. Forsay** believes that vaping can save lives. He stated there have not been enough studies on vaping to include it in this bill.

Charlie Jones, Owner of the Stinker Stores, opposes **S 1106**. He has 65 stores from Moscow in the north to Victor in the east. In 2016, Stinker stores collected and paid \$3 million dollars of excise taxes related to tobacco and cigarette products. **Mr. Jones** agreed with statements from earlier business owners.

Senator Hagedorn asked if employees that were 18 needed to be supervised to sell alcohol. **Mr. Jones** replied that in some of the smaller stores, they had single employee coverage everyday. All employees are supervised but the supervisors are not in the store everyday; there is not always direct supervision.

Luke Cavener, American Cancer Society (ACS) and Cancer Action Network spoke in support of **S 1106**. ACS does have concerns over **S 1106** as written, but they support the concept. It is a step toward policy to help reduce tobacco use and life-long addiction rates. Tobacco is the number one cause of preventable deaths in the country and in our State. In the 1980s, Congress lowered the age to 18 to purchase alcohol. Binge drinking and drunk driving decreased when the age changed to 21. **Mr. Cavener** stated that the Committee should look at this from a fiscal standpoint as well as the health impacts. The age should be mirrored to those in the alcohol law.

Senator Davis asked how many other states had changed the law to 21. **Mr. Cavener** stated that Hawaii, California and many cities have raised the age to purchase tobacco to 21. Seventeen other states are looking to enact legislation this year. **Senator Davis** asked what year Hawaii raised the age to 21. **Mr. Cavener** replied that Hawaii changed in 2016.

Senator Lakey inquired if the ACS had a number on how many people started smoking before the age of 18. **Mr. Cavener** stated that it was difficult to answer that question because there can be a difference between someone who has one cigarette versus someone who has become addicted. ACS and Tobacco Free Kids does have some information about what is viewed as thirty-day use.

Stephanie Sheppard, Colonel, Idaho Air National Guard for 27 years, represented herself, supports **H 1106**. Today, contrary to the past, the military discourages all tobacco products. The number of designated tobacco use areas has been limited on Idaho military installations. Commanders are also charged with a tobacco free lifestyle and regulation requires airmen to follow suit. The military is actively against tobacco use.

Senator Stennett stated that we allow individuals to go to war and have firearms; shouldn't they have the choice about whether or not to use tobacco. **Ms. Sheppard** explained that military members must follow the law and do what they are told; a result of avoiding tobacco will make them a healthier force.

Senator Buckner-Webb asked if there is a cessation program available for military personnel. **Ms. Sheppard** answered that there is an aggressive cessation program available at Gowen Field with multiple programs per year.

Senator Hagedorn asked about airmen that are not 21 years of age that drink. **Ms. Sheppard** replied that yes, we do have 21 year olds that drink. When commanders are made aware of a drinking incident, appropriate action is taken.

Elizabeth Hall, decorated combat veteran from a military family representing herself, supports Tobacco 21. **Ms. Hall** has experienced the effects of tobacco on military members both personally and professionally. The goal of all military members is to return home safely and to live long, productive lives. Tobacco will be more likely to kill a U.S. soldier than any enemy. The Department of Defense spends \$1.6 billion a year on medical care due to tobacco use. That amounts to \$21,000 in extra medical costs that a smoking veteran incurs. There are many areas in the life of a soldier that are affected by smoking such as: passing physical tests; slower running skills; they are sick more often; and they struggle to perform in comparison with their non-smoking peers. She said that if Tobacco 21 passes, then we have done our job to make sure that lives have been saved.

Andrea Jackson, President of Big Smoke and Tobacco Connection with 54 stores and 300 employees spoke in opposition to **S 1106**. **Ms. Jackson's** testimony agreed with other business owners about the effect on business.

Margie Summy is a nurse practitioner with Saint Luke's Idaho Pulmonary. She is also the Co-Medical Director for the tobacco cessation clinic at Saint Luke's, and supports **S 1106**. She sees the deadly affects of tobacco and how hard it is to quit. Eighteen year old brains become addicted more quickly and are not the same as 21 year old brains; the younger you start the harder it is to stop. **Ms. Summy** added that the main ingredient in vape juice is propylene-glycol which is used in anti-freeze and paint solvents.

Dusty Winlynn from the Hailey and Ketchum area runs a few independent smoke shops. If passed, **S 1106** will cause damage to the business that he operates. Changing the age from 18 to 21 to purchase tobacco products will result in a loss of business, including the auxiliary purchases that occur. **Mr. Winlynn** repeated similar concerns that other business owners related. **Mr. Winlynn** said he did not want his son to become a smoker but he decided, as a parent, he would still appose **S 1106** because it strips away rights of a legal adult. Eighteen year olds are required to register with Selective Services, and can enlist in the armed forces. They can be punished criminally as an adult, get married and divorced, sign contracts, and bear the consequences of their actions.

Dr. Jennifer Schulz, stated she was a 20 year internal medicine physician, an air force veteran, and worked in veteran's hospitals across the country. She currently works for the Cardiac and Pulmonary Rehabilitation Center and is the Director of the Tobacco Treatment Clinic at Saint Luke's. She has seen the negative affects of nicotine; it is more addictive than heroine. In the treatment center, they use state of the art methods to help people quit smoking, but only one in four quit. Patients also seek help to stop vaping.

Senator Davis inquired about the difference between tobacco and alcohol related to addiction probability, and if genetics were a factor for alcohol addiction. **Dr. Schulz** explained that alcohol had genetic factors but people are more likely to be addicted to tobacco. Nicotine is very addictive but not necessarily because of genetics. **Senator Davis** wanted to know why there should or should not be a policy difference between the alcohol law and the tobacco law and how does addiction factor into the policy. **Dr. Schulz** stated that tobacco addiction is a great deal stronger than any other addictions.

Yvonne Ward, Chief Executive Officer, Idaho Primary Care Association, represents the federally qualified health centers in Idaho, and 159,000 of the uninsured population. The medical implications of smoking have risk factors on other diseases such as hypertension. **Ms. Ward** explained that the various "whys" to smoke have changed. Children today have time and want to be social so they try smoking cigarettes not realizing the consequences. The law needs to change because youth has changed; maybe **S 1106** can help the medical impact and expense.

Senator Hagedorn asked about methods to de-incentivize youth from smoking. Would a fine be less or more effective than changing the age to 21? Would it make a difference if the fine was \$200? **Ms. Ward** responded that it was more about availability and legality, but if one in that age group had to work to pay off a \$200 fine, it would open up the conversation.

Katheryn Batey, American Academy of Pediatrics, supports **S 1106**. **Ms. Batey** said the Institute of Medicine published a report on the nationwide effects of raising the age from 18 to 21 which resulted in a 25 percent reduction in usage. There was also a 12 percent overall reduction, and a reduction in low birth weight.

Russ Duke, Director, Central District Health Department, expressed support for **S 1106**. In 2016, the board members from each district in the State voted to support a resolution to raise the age to purchase tobacco to 21. According to the Department of Health and Human Services, 47 percent of adult smokers transition to regular smokers before the age of 18. Eight in ten transition to regular smokers before the age of 21. **Mr. Duke** has worked in public health for the State of Idaho for over 20 years and changing the legal age to purchase tobacco products to age 21 may be the single, most important public health policy to improve public health in Idaho.

Senator Stennett asked how many smokers that transition into regular smokers were actually smoking before age 18. **Mr. Duke** replied that 50 percent or 3 out of 10 would transition to regular smokers between 18 and 21; about 30 percent of those smokers would have started before age 18. Enacting the increase in age limit would reduce access to those people under 21 significantly.

Chairman Siddoway indicated that there was time for one more person to testify and the choice would be between the three young men right before him. They would choose which one it should be.

Jesse Smith, represented himself along with other 18, 19, and 20 year olds whose rights are being put in question. **Mr. Smith** testified against **S 1106** because he viewed the bill as a violation of individual rights and an economic barrier for our State. While **Mr. Smith** chooses not to purchase or consume tobacco, today his position is to defend the right of others to make that choice. Everybody in attendance has come to the conclusion that tobacco is harmful, but that is not the subject of debate; the subject of the debate is the age in which our government allows an individual to purchase and consume tobacco, and whether or not current Idaho law should be modified. Eighteen is the beginning of adulthood; the moment in which the government deems that an individual is capable of making certain choices, including choices that could cause harm. Freedom is the backbone of our great country and it gives us the opportunity to make these choices for ourselves. The government is not meant to infringe on our individual rights. The age of 18 is consistently considered the benchmark to have the ability to make decisions. Changing the age to 21 doesn't make the tobacco products any less harmful. If there was 100 percent public support for this bill, **Mr. Smith** said he would still stand in opposition because individual rights are not to be infringed upon. **Mr. Smith** thanked the Chairman and members of this Committee for listening to their constituents, and for allowing him to give his testimony.

Senator Stennett stated that we already know that cigarettes, and nicotine in general, are highly addictive. She asked about page 4, line 6, where it gets into what is punishable and the violations; if we have kids who have already been addicted before age 18 and we change this law, are we willing to criminalise them to the extent that this paragraph says?

Senator Martin said that it has little to do with the penalty and a lot to do with the policy. He believes there must be penalties, but denying access should be emphasized more than the penalty. **Senator Martin** stated that after hearing the

questions on supervision, he would support sending **S 1106** to the amending order, and to make changes to mirror the alcohol law requirements.

Ms. Surber said that every day in the United States, more than 33,000 youths under age 18 smoke their first cigarette and about 21,000 youths become daily cigarette smokers. It has been pointed out that we have inconsistency in public policy concerning the age for alcohol and the age for tobacco. By that policy, the message to young people could be that alcohol is more dangerous than tobacco. However, the number of deaths due to tobacco are double the number related to alcohol. Concerns have been raised about freedom of choice and how we, as Idahoans, value our liberty. That comes into question when an individual's liberty to make a decision results in major cost to others. If I don't smoke and I get to pay the cost for someone else who does, that infringes on my liberty.

Vice Chairman Hagedorn stated that he was very torn on this issue for two reasons:

1. There are e-cigarettes on the market today that have no tobacco and no nicotine; why are e-cigarettes lumped in with this particular issue.
2. We have a fine of \$17.50 for a minor that carries around a cigarette or a pack of cigarettes, A School Resource Officer will probably not take the time to write a ticket for \$17.50 so that is not a deterrent.

More information is needed regarding the \$200 fine for those between 18 and 21 that are supplying the cigarettes. **Vice Chairman Hagedorn** thinks we need to look at those numbers before we assume that changing the age from 18 to 21 will make a big difference. Keeping cigarettes out of the high schools by enforcing current laws is something that should be reviewed. If we are not doing that now, our target is wrong.

MOTION:

Vice Chairman Hagedorn moved to hold **S 1106** in Committee. **Senator Stennett** seconded the motion.

Senator Davis said he walked in today uncertain how he was going to vote, despite the 100 and more emails that were received overnight. If he leaned any direction, he probably leaned against it, but by listening, taking notes, rewriting notes, he came to some understanding. The revenue that comes to the State or the loss of revenue is a non-issue. When **Senator Davis** looked at page 4 of the bill, the supervision standard and inconsistency with I.C. § 23-949 is something that needs to be fixed. A defensible reason has not been given for why supervision would be required. **Senator Davis** categorized his remaining thoughts into four areas: 1.) direct life safety risk to others; 2.) sale of alcohol and tobacco; 3.) addiction; and 4.) downward migration. If the sale of alcohol is his constant, then why is there a difference for tobacco. **Senator Davis** discussed his thoughts about each category to determine whether the age should be 19 or 21, and could not see why there should be a difference.

**SUBSTITUTE
MOTION:**

Senator Davis made a substitute motion to send **S 1106** to the 14th Order for possible amendment. **Senator Lodge** seconded the motion.

Senator Lakey spoke against the motion. There is some need for change in the language. The challenge is with the individual liberty aspect. **Senator Lakey** said it is clear and unquestioned in his mind that tobacco use has serious health risks, and it will likely kill you over time; he is not defending the product. Also, the tax revenue is not an issue because there are costs to society, and in Idaho's health care system associated with tobacco use. There is a difference between tobacco and alcohol. **Senator Davis** mentioned there are health risks and there are examples of people suffering and dying as a result of secondhand smoke, but Senator Lakey sees the effects of alcohol use and abuse as more direct and more imminent. As a

prosecutor for the county, **Senator Lakey** said he has not quantified all the costs, but there was a high degree of criminal activity related or resulting from alcohol use in the form of violent crimes and victimization of others. Obviously, if you drink and drive you have the immediate potential of taking someone's life or causing serious injury. Ultimately it comes down to that question of individual liberty and freedom.

The age of majority is 18 in the Idaho Constitution, at which time the opportunity for 18 year olds to run for the Senate is allowed. They are allowed to make choices; they are allowed to vote; and they are allowed to serve in the military. They have the opportunity to make choices that may ultimately be life threatening. They have the opportunity to give their life for their country at 18. We hold them accountable as an adult in the criminal justice system, and other systems that may impose consequences related to their life and liberty based on their choices at 18. They have opportunities to make bad choices in business and other personal matters at age 18. This is a product that Senator Lakey does not condone, defend, or support, but he does support the choice of an 18 year old individual to choose to make bad decisions for themselves. With that Senator Lakey will be opposing the substitute motion.

Vice Chairman Hagedorn expressed a couple of notes in opposition to the substitute motion. Eighteen to 20 year olds think they are invincible. **Vice Chairman Hagedorn** said he was skeptical of the impact this bill will have on those 18 to 21 year olds, although it might help to reduce the amount of cigarettes that is available to those 17 and younger. There are other ways to impact that younger group. Retailers have already achieved a 95 percent or greater identification check rate as was testified; this will be more of an impact on the retailers. There has not been any discussion about the impact on cigars or chew, but that is also included in this bill. There is agreement that tobacco is just a bad product. This bill is a great effort but it isn't quite right. There should be more discussions about how to treat e-cigarettes that don't have anything addictive in them, and there needs to be talk about tobacco and cigar use. It would be better to simplify this bill while working on enhanced enforcement for those that are already illegally possessing cigarettes.

Senator Lodge stated her understanding of the liberty and freedom issues, and for being able to choose what you want to do at 18. The issue is to encourage liberty and freedom and also encourage the 18 year olds to make right choices for their health. There are some parts in this bill that raises concerns: the supervision part on page 4, the \$17.50 fine, and the \$200 fine. **S 1106** should go to the 14th order because of the costs associated with smoking. There is a population gap in this State where citizens do not have health care; those costs are absorbed by others. Much of that cost is because of smoking issues. Brain studies regarding the effect of addiction on the brain of an 18 year old were not available 10 or 15 years ago. New studies show that brains are not mature until around age 26.

Senator Hill said he is going to be supporting the substitute motion. He does agree that there needs to be change in the supervision provision. **Senator Hill** objected to some of the comments that have been made: the penalties are not great enough; and people start smoking even before 18. Those things are true, but most young people are law abiding citizens. Changing the law is going to make a significant difference because most young and old people want to obey the law. Testimony has been heard today that most people become regular smokers during the time it is illegal; between 18 and 21. A change in the law will cause a paradigm shift, and it will save lives and save health. We all believe in individual freedom, but some things have such incredible health consequences that they need to be regulated at the government level, for example, methamphetamine, cocaine, and marijuana. Tobacco easily falls into that category; it has significant, harsh, terrible consequences. What is exactly the right age, **Senator Hill** did not know. He thinks that 21 is an appropriate age from the testimony heard thus far, as smoking affects

the brain. This bill seems like a reasonable approach and a proper step for us to take, **Senator Hill** will be supporting this motion because there are other changes that he will be considering.

Senator Winder asked to have it recorded that there may be a potential conflict of interest under Rule 39 (H) regarding his seat mate to the left and some consulting involving a real estate matter. In addition, **Senator Winder** stated he has received some occasional contributions from tobacco related companies and he asked to have it recorded.

Senator Winder agreed with previous comments that there are significant issues and differences of opinion on this issue. The amendment process will be difficult and challenging. From a personal stand point, he hoped the Committee would have more time to consider and discuss this issue, and consider our own stories and history. **Senator Winder** briefly shared his story. He is really conflicted on this issue. He understands what people are saying and that the comments are well intended but he truly struggles with all the issues of personal freedom, personal privileges, rights of choice, people fighting for the right of choice to abort children; what is choice? What is freedom? He said this one is a real struggle for him.

Senator Buckner-Webb commented that all members on this Committee are struggling with this issue in one way or another. She has received emails from young people talking about how they realize the risk from smoking. They also realize the risks to them to serve in the military. If we are asking that they serve their country, shouldn't they be able to make their own free will choice?

**VOTE ON
SUBSTITUTE
MOTION:**

Chairman Siddoway stated that the Committee has before it, the substitute motion to send **S 1106** to the 14th order and requested a roll call vote. **Senators Davis, Hill, Winder** and **Lodge** voted aye. **Vice Chairman Hagedorn** and **Senators Lakey, Stennett, Buckner-Webb**, and **Chairman Siddoway** voted nay. The motion failed 4-5

**VOTE ON
ORIGINAL
MOTION:**

Chairman Siddoway stated that the Committee now has before it, the motion to hold **S 1106** in Committee. He requested the Secretary to take a roll call vote. **Vice Chairman Hagedorn**, and **Senators Winder, Lodge, Lakey, Stennett, Buckner-Webb**, and **Chairman Siddoway** voted aye. **Senators Davis** and **Hill** voted nay. The motion carried 7-2.

MOTION:

Senator Lodge moved to accept the minutes of January 20, 2017. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

MOTION:

Senator Stenett moved to accept the minutes of January 25, 2017. **Senator Hagedorn** seconded the motion. The motion carried by **voice vote**.

ADJOURNED:

There being no further business at this time, **Chairman Siddoway** adjourned the meeting at 10:35 a.m.

Senator Siddoway
Chair

Twyla Melton, Secretary

Katy Miller, Assistant Secretary